

REMARKS

Applicant respectfully requests further examination and reconsideration in view of the above amendments and the arguments set forth fully below. Claims
5 1-26 are pending from an application filed 09/19/03.

The Office Action has rejected Claims 1, 2, 4,-7 and 9-17. The Office Action has objected to Claims 3, 8 and 18-26. After the above amendments, Claims 1-4, 6-26 are pending.

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Specification

The Office Action has objected to the specification because the abstract of the disclosure uses claim language: "comprising" and suggests acceptable
15 language: "having". By the above amendment, the applicant has amended the term as per the Office Action's suggestion.

Rejection Under 35 USC § 102

20 The Office Action rejected Claim 1 under 35 USC § 102(b) as being anticipated by Ramirez (U.S. Patent No. 6,158,870).

The Office Action states: "Ramirez discloses (Fig. 11) a cylindrically shaped container [20'] having a planar surface with bottom edges having a

top for filling and dispensing liquid and a housing [26'] of cylindrical shape
having a first end for attachment to the container and a second end for
holding a plurality (music and lights) accessories (Abstract).

5 **THE REVISED CLAIM 1 RECITES NOVEL AND PHYSICAL FEATURES
OVER RAMIREZ, WHERE RAMIREZ DOES NOT TEACH A FIXEDLY
ATTACHED HOUSING FOR HOLDING A COMPASS AND SAFETY SIGNAL
MIRROR.**

Claim 1, now recites: A bicycle and hiking hydration container safety
10 accessory system comprising;
a bicycle hydration container of generally cylindrical shape having a planar
bottom surface with bottom edges and a bicycle container neck for frictionally
fitting into a bicycle mounting cage and having a top for filling and dispensing
hydration liquids; and
15 a hiking hydration container of generally cylindrical shape having a planar
surface with bottom edges and having a top for filling and dispensing hydration
liquids; and
an accessory housing of generally cylindrical shape having a first end for
fixedly attaching to said hydration container planar bottom with bottom edges and
20 having a second end for fixedly holding a (plurality of container accessories)
compass and safety signal mirror.

The applicant respectfully traverses this rejection and avers this revised language distinguishes over Ramirez under Section 102 because Ramirez does not show a housing that is fixedly attached to the hydration container, where Ramirez teaches a detachable, frictionally held baby bottle cover. Specifically,

5 Ramirez teaches: "Toward the bottom level, there will be open outer shield vent holes for easy entry and exit of the baby bottle and cover, yet, there is a friction fit once in place. Four typical holes, 90 degrees apart are adequate, usually. More or less may be used as required as well as diameter." (Specification, Col. 6, lines 15-20). Ramirez further teaches: "An object of the present invention is to provide

10 a unique electronic musical producer and adapter for use with a baby nursing bottle, which adapter is readily detachable from the bottle" (Specification, col. 1 lines 44- 47). Ramirez further teaches: "The bottle should be removed for cleaning from the holder." (Specification, col. 1, lines 54-55).

The applicant avers that it is desirable for Ramirez to have a removable baby

15 bottle cover to enable using a dishwasher for cleaning the baby bottle.

Further, Ramirez does not show a compass or signal safety mirror. Ramirez teaches a battery powered nursing baby bottle attachment having music and lights for pacifying a nursing baby. Specifically, Ramirez teaches: "A nursing baby bottle attachment with (an) entertainment device(s) associated therewith,

20 especially the options of both, or either, chosen jingles of music and randomly flashing lights. Such may be just music, or the paired music and lights with a micro-switch, to turn off the lights alone." (Abstract).

These distinctions are submitted to be of patentable merit under Section 103 because of the new and unexpected results gained from this novel structure. Ramirez would have no reason to combine the elements of the current invention. That is, the fact that Ramirez teaches a baby bottle with a battery powered
5 detachable holder having flashing lights and a musical device, does not suggest a hiking or biking hydration container with a fixedly attached housing for holding a compass and safety signal mirror.

The applicant teaches a bicycle and hiking hydration container with a fixedly mounted accessory housing for holding a compass and safety signal mirror,
10 where the bicycle and hiking hydration containers are well known prior art and are distinct and different from a baby nursing bottle. Additionally, the compass and safety signal mirror are distinct and different from flashing lights and a musical device.

As describe above, Ramirez does not teach a fixedly attached bicycle or
15 hiking hydration accessory device for holding a compass and safety signal mirror, rather Ramirez teaches a nursing baby bottle accessory for detachably holding pacifying accessories such as flashing lights and musical jingles: "The music not only diverts occasionally a temperamental child's attention from the feeding process, but also may help to induce the infant into sleep after feeding."
20 (Specification, Column 1, lines 40-43); and, "a flashing light baby bottle, which operates to divert the temperamental child's attention from the feeding process."
(Specification, col. 2, lines 12-14).

The revised language of Claim 1 recites an invention that is distinct and different in composition, form and function. The applicant respectfully avers that Ramirez teaches away from the current invention, and the current invention is novel and non-obvious over the cited prior art. The applicant respectfully
5 requests further examination and consideration for the allowance of Claim 1.

Rejection Under 35 USC § 103

Claims 2-7, 9-14, 16-20 are all amended and submitted to be patentable over
10 the cited references because the physical distinctions affect new and unexpected results, thereby indicating that the physical distinctions are unobvious and new under Sec. 103.

The Office Action rejected Claim 2 under 35 U.S.C. 103(a) as being unpatentable over Ramirez (US 6,158,870) in view of Ector et al (US 6,187,192).

15 The applicant respectfully directs the Examiner to a patent number discrepancy in the Ector reference, where the Ector et al patent number should read (US 6,817,192).

The Office Action states:

20 “Ramirez discloses the instant claimed invention except for that the housing is attached using an adhesive bonding agent.

Ector et al disclose a base having an accessory (timer device) and attached to the container with an adhesive agent (Specification, col. 3, lines 35-37) to eliminate loosing of the accessories.

5 It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the adhesive agent, as taught by Ector et al., for attachment to the housing to the container in the device of Ramirez in order to use this parts together, as a whole device, and eliminate loosing of the accessories."

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The applicant respectfully traverses this rejection for the following reasons:

**THE APPLICANT'S INVENTION SOLVES A DIFFERENT PROBLEM THAN
THE COMBINED REFERENCES OF A MUSICAL AND LIGHTABLE BABY
15 BOTTLE BY RAMIREZ, AND A DEVICE TO RECORD AGE OF FOOD BY**

ECTOR: In light of the currently amended language of claim 1 to more particularly cite the novelty of the current invention over the teachings of Ramirez, the applicant respectfully avers the applicant's invention solves a different problem than the combined references, and such different problem is
20 recited in the amended claims.

The Office Action cites in Ector et al (Specification, col. 3, lines 35-37), which explicitly reads: "Yet another object of the invention is to provide a steel base with an adhesive backing for attaching the timer device to a food container".

5 **ECTOR TEACHES AWAY FROM USING GLUE TO ATTACH A STEEL**

DISK AND EXPRESSLY TEACHES DOUBLE SIDED TAPE: The applicant

respectfully avers that the "steel base" is a steel disk to provide a means for magnet attachment of the timing device by using double stick tape to bond the steel base to a package so a food timer device may be magnetically attached to

10 the steel disk taped to the food package. Specifically, Ector et al teaches: "A catch 28 made from ferromagnetic material, preferably a thin flat steel disk, has one exposed face with a surface area which is preferably commensurate in size to the magnetic base 26 so that the timer device 10 is removably attachable to the base 28 by magnetic attraction." (Specification, col. 4, lines 14-19). Further,

15 Ector et al teaches the steel disk and double-stick tape: "A conventional piece of double-sided adhesive coated tape 30 (Shown in Fig. 2) is attached to the opposite face of the catch 28" (Specification, col.4, lines 19-21). Conversely, the

applicant recites in the amended Claim 2: "The multifunction bicycle and hiking hydration container accessory system of claim 1 wherein said accessory housing is fixedly attached to said bicycle hydration container using an adhesive bonding agent." Here the housing is fixedly attached to the bicycle and hiking hydration containers using an adhesive bonding agent, commonly known as glue, which is distinct and different from the double sided tape as taught by Ector. Ector

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deliberately teaches double sided tape because using glue in the device to record age of food is unworkable due to the curing times required for glue, where the universal nature of double sided tape enables immediate use and is considered safe for use with food storage products. Rapid bonding agents, such as cyanoacrylate or super glue, are considered unsafe for use with food storage products.

ECTOR TEACHES AWAY FROM A COMPASS AND SAFETY SIGNAL MIRROR FIXEDLY ATTACHED TO BICYCLE AND HIKING HYDRATION CONTAINERS TO SOLVE A DIFFERENT PROBLEM. The food container

10 depicted in Fig. 4 of Ector shows a metal plate taped to a food box for magnetically attaching a timing device. It is very unlikely that a detachable food spoilage timer device would be useful to athletes engaging in outdoor activities. Additionally, it is unlikely that a compass and a safety signal mirror would serve any use purpose for facilitating the timing of food storage, where Claim 2 teaches

15 a bicycle hydration container and a hiking hydration container having a fixedly attached housing for fixedly mounting a compass and safety signal mirror using an adhesive bonding agent. The applicant avers that the cited references solve a different problem.

THE REVISED LANGUAGE OF CLAIMS 1 AND 2 CLEARLY

20 **DISTINGUISHES A COMPASS AND A SAFETY SIGNAL MIRROR FROM A FOOD AGING TIMER.** The applicant respectfully avers that the accessory (timer device) is attached magnetically to a catch (steel disk) that in turn is attached to a food container using double stick tape. This configuration is unworkable with the

5 teachings of the current invention, where magnetic attachment of the compass would cause the compass to fail or to work improperly. Here, the bicycle hydration container accessory system and hiking hydration container accessory system are permanently attached using a non magnetic adhesive bonding agent, and is made evident according to the revised language of Claim 2. The term bonding agent is proper for describing glue. This is novel and unobvious from a device to record the age of food as taught by Ector.

**THE MUSICAL AND LIGHTABLE BABY BOTTLE AND DEVICE TO
RECORD THE AGE OF FOOD IS AN UNSUGGESTED COMBINATION:** The
10 combination of Ramirez Combination Musical and Lightable Baby Bottle and Ector et al Device to Record Age of Food is respectfully submitted to be improper because neither Ramirez nor Ector suggest such a combination, and one skilled in the art would have no reason to make such a combination.

The need for the prior art references themselves to suggest that they be
15 combined is well-known, e.g. as was stated in re Sernaker, 217 U.S.P.Q. 1, 6, (CAPC 1983).

- a. "[P]rior art references in combination do not make an invention obvious unless something in the prior art references would suggest the advantage to be derived from combining their teachings"

20 The suggestion to combine the references should come from the prior art, rather than from the applicant. As was forcefully stated in Orthopedic Equipment Co. Inc. v. United States, 21 U.S.P.Q. 193, 199 (CAPC 1983):

b. "It is wrong to use the patent in suit (here the patent application) as a guide through the maze of prior art references, combining the right references in the right way to achieve the result of the claims insuit (here the claims at issue). Monday morning quarterbacking is quite improper when resolving the question of nonobviousness in a court of law (here the USPTO)."

**THE MUSICAL AND LIGHTABLE BABY BOTTLE AND A DEVICE TO
RECORD THE AGE OF FOOD REFERENCES TEACH AWAY FROM**

COMBINING THE INVENTIONS: The references themselves teach away

(expressly of by implication) from the suggested combination. Ramirez teaches a Combination Musical and Lightable Baby Bottle for distracting a baby while feeding and Ector et al teach Device to Record Age of Food by magnetically attaching a timer to a metal plate and taping the plate to a food package. Since they teach away from each other, it would not be logical to combine them. Thus any possible combination, if at all possible, is unobvious.

The applicant respectfully avers the current invention is unobvious and distinct to the combined cited prior art. The applicant has amended the language of Claim 2 to more clearly illustrate this distinction and to put the claim in a condition of allowance over the teachings of Ramirez and Ector, where the applicant requests further examination and consideration for the allowance of Claim 2.

The Office Action states:

“Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ramirez (US 6,158,870) in view of Aidlin et al. (US 6,401,993).

Ramirez discloses the instant claimed invention except for that the housing is a plastic welded to the container.

5 Aidlin et al. disclose (Fig. 1) a plastic bottle [10] having a housing (base cup [24] welded to the bottle (col. 2 lines 54-59) in order to use this two parts together, as a whole device.

 It would have been obvious to one having ordinary skill in the art. At the time the invention was made, to provide the welding for engaging
10 the housing to the plastic container, as taught by Aidlin et al. for the device of Ramirez, in order to use the parts together, as a whole device.”

THE MUSICAL AND LIGHTABLE BABY BOTTLE AND BASE CUP

15 **BOTTLE STAND IS A STRAINED INTERPRETATION:** In light of the currently amended language of claims 1 and 4 to more particularly cite the novelty of the current invention over the teachings of Ramirez, the applicant respectfully traverses this opinion on the grounds that the base cup [24] taught by Aidlin et al. is not an accessory housing system, as taught by the applicant, but instead a
20 stand for holding a round-bottom plastic bottle upright. Specifically, Aidlin et al. teaches: “The second portion or component of the bottle is a lower base cup portion 24 having an enlarged, open, upper end 26 for receiving the lower end 16 of the upper portion. The base cup portion also has a closed lower end 28

effectively constituting a flat surface 30 for stability in remaining vertically erect when at rest.” (Specifications, col. 5, lines 20-25). The applicant respectfully avers that the bicycle hydration container accessory system housing of the current invention and the base cup of Aidlin et al. are very distinctly different in form and function, and that the bicycle and hiking hydration containers do not need a base cup to facilitate their remaining vertically erect while at rest since they already are able to do so alone. Aidlin et al. do not teach a base cup to be a compass and safety signal accessory holding device, but instead teach a base cup as a means for holding a round-bottom bottle vertically erect when at rest.

Therefore it would not have been obvious to one skilled in the art at the time the invention was made to plastic weld an accessory system housing to the bicycle and hiking hydration containers for fixedly holding the accessory system to the containers.

**THE BASE CUP OF AIDLIN ET AL. SOLVED DIFFERENT PROBLEM
THAN THE BICYCLE HYDRATION CONTAINER ACCESSORY SYSTEM
HOUSING:**

The base cup of Aidlin et al. is used for holding a container with a “spherical lower end” (Abstract) in an upright position. Conversely, the applicant teaches in the revised Claim 4: “The multifunction bicycle and hiking hydration container accessory system of claim 1 wherein said accessory housing is plastic welded to said hydration container.” Here the use of the base cup taught by Aidlin et al. would serve no practical use since the bicycle water bottle bottom surface and lower portion inherently serve to hold the water bottle upright (hence

no need for a base cup), whereas the bicycle multifunction hydration container accessory system serves to fixedly attach useful outdoor recreation tools such as a compass and safety signal reflective material to a bicycle or hiking hydration container.

5 The applicant respectfully avers the current invention is unobvious and distinct to the combined cited prior art and produces new and unexpected results. The applicant has amended the language of Claim 4 to more clearly illustrate this distinction and to put the claim in a condition of allowance over the teachings of Ramirez and Aidlin et al., where the applicant requests further examination and
10 consideration for the allowance of Claim 4.

The Office Action states:

“Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ramirez (US 6,158,870) in view of Andrino (US 4,886,567).

15 Ramirez discloses the instant claimed invention except for that the housing is attached to the container with elastic straps.

Andrino discloses (Fig.2) a container [44] and a housing [1] which is attached to the container with elastic strips [28A] in order to obtain detachable engagement. Using this type of attachment the container can
20 be detached from the housing for exchanging or washing.

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the elastic strips, as taught by

Andrino, for attachment the housing to the container device of Ramirez in order to obtain detachable engagement for exchanging parts.”

The applicant respectfully withdraws Claim 5 from consideration.

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The Office Action states:

“Claims 6 and 7 are rejected under U.S.C. 103(a) as being unpatentable over Ramirez (US 6,158,870) in view of Burrige (US 4,206,842).

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Ramirez discloses the instant claimed invention except for that the housing front surface is suitable for holding a navigation indicator accessory.

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Burrige discloses (Fig,2) a container [10] and a housing [12] having a compass [34] mounted for orienting the device relative to the magnetic field of the earth (col. 1 lines 65-68).

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the compass mounted to the housing, as taught by Burrige, for the device of Ramirez, for the purpose of orienting the device relative to the magnetic field of the earth.”

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**THE MUSICAL AND LIGHTABLE BABY BOTTLE COMBINED WITH A
PYRAMID CONTAINER DEVICE HAVING A HIDDEN INTERNAL COMPASS
IS A STRAINED INTERPRETATION:** In light of the currently amended language

of Claim 1 to more particularly cite the novelty of the current invention over the teachings of Ramirez, the applicant respectfully traverses this position on the grounds that the cited prior art of Burrige “relates to ornamental containers for consumer products having a pyramidal or triangular shape.” (Specification, col. 1, lines 6-8). The applicant avers that the cited prior art is for holding cosmetics in addition to having an internal compass for orienting the pyramid container with the earth’s magnetic field, and is from an unrelated field. Burrige teaches “a pyramid container device 10 comprising an upper first container member 11, a lower second container member 12 and an inner item container member 13.” (Specification, col.3, lines 23-26). This is a container inserted to a pyramid. Additionally, Burrige teaches a compass contained in the pyramid container: “The inner item container 13 in this embodiment is shown as a jar for containing a consumer product such as cosmetics or the like.” (Specification, col. 3, lines 56-58). Further, Burrige teaches: “The device 10 includes aperture means 30 in one of the first and second container members 11 and 12 for receiving the item within the pyramid container device 10. In this embodiment, the aperture means 30 is integrally molded into the top 20 of the second container member 12 for at least partially receiving the inner container 13. The aperture means 30 comprises a first aperture portion 31 and a second aperture portion 32 which are both located along the central axis of the pyramid device. The first aperture portion 31 locates the inner container member 13 at the approximate geometric center of the pyramid formed by the first and second container members 11 and 12. The second aperture portion 32 receives a compass 34” (Specification, col. 3, lines

64-68, and col. 4, lines 1-9). Finally, Burrige teaches aligning the pyramid base with the earth's magnetic field and closing the compass and contents within the pyramid container for receiving beneficial results from the pyramid shape: "Once the second container member 12 is located relative to the magnetic field of the earth and the inner container member 13 is in place, the first container portion 11 is inserted into lips 26 forming the pyramid container 10. Accordingly, the item within the inner container 13 will receive any beneficial results due to the pyramid shape." (Specification, col. 4, lines 26-32). The applicant respectfully avers that a pyramid-shaped container having an internal jar for holding cosmetics and having a compass inside the pyramid to align the pyramid with the north-south longitude of the earth so the pyramid shape may impart some indeterminate forces on the cosmetic jar is a strained interpretation as a prior art reference, and that the teachings of Burrige teaches away from a compass as a navigation device since the compass cannot be viewed when Burgess is assembled for use. The applicant respectfully avers that this reference is a strained interpretation in that the use of the compass to align a pyramid base is not a navigation device, but simply a means of orienting the pyramid for the intent of providing benefits to the contents of the inner container, and the compass is not visible to the user once the pyramid container is assembled. The language of Claim 6 has been amended to clearly make this distinction: "The multifunction bicycle hydration container accessory system of claim 1 wherein said accessory housing second surface is suitable for fixedly holding a navigation indicator accessory."

The applicant respectfully avers that it is impractical for combining the cited prior art to a bicycle or hiking hydration container for enabling outdoor navigation, because if such a combination were made the compass would not be visible to the user. The language of Claim 7 has been amended to further make this
5 distinction: "The bicycle and hiking hydration container safety accessory system of claim 6 wherein said navigation indicator accessory is a compass."

The applicant respectfully avers the current invention is unobvious and distinct to the combined cited prior art. The applicant has amended the language to more clearly illustrate this distinction and to put the claims in a condition of
10 allowance over the teachings of Ramirez and Burrige, where the applicant requests further examination and consideration for the allowance of Claim 6 and Claim 7.

The Office Action states:

15 "Claims 9-11, 16, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ramirez (US 6,158,870) in view of Chen (6,499,854).

Referring to Claims 9-11 and 16 Ramirez discloses the instant claimed invention except for the mounting threads.

Chen discloses (Fig. 4) a container [40] and a canister type housing [20] of
20 cylinder shape having a cap [10] with fixedly mounted accessory and threads for attachment to the container. Housing [20] has a wall created a cavity.

Referring to Claim 17 Ramirez discloses the treaded holes for attaching a cap to the housing, but does not disclose that the cap has threads for attachment to the housing.

5 Threaded engagement is well known in the art. Since Ramirez discloses this type of engagement between the housing [20] and the container [40] in understood that the same type of engagement may be used between the cap and the housing in order simplify this process.

10 It would have been obvious to one having ordinary skill in the art. At the time the invention was made, to provide the housing having a threads, as taught by Chen, for the device of Ramirez, for attachment the housing with an accessory to the container.”

THE MUSICAL AND LIGHTABLE BABY BOTTLE COMBINED WITH A DECORATIVE WATER LAMP IS A STRAINED INTERPRETATION AND
15 **MISUNDERSTOOD REFERENCE, WHERE CHEN TEACHES AWAY FROM**
THE CURRENT INVENTION: In light of the currently amended claim language of Claim 1 to more particularly cite the novelty of the current invention over the teachings of Ramirez, and the currently amended claim language of Claims 9-11, 16 and 17 the applicant respectfully traverses this rejection on the grounds that
20 the cited prior art of Chen teaches away: “The main objective of the invention is to provide a decorative water lamp to creative novel and attractive visual effects.” (Specification, col. 1, lines 60-62). The applicant respectfully avers that the

reference does not teach what the Office Action relies upon as supposedly teaching. Specifically, the Office Action states:

“Chen discloses (Fig. 4) a container [40] and a canister type housing [20] of cylinder shape having a cap [10] with fixedly mounted accessory and threads for attachment to the container. Housing [20] has a wall created a cavity.”

Chen teaches, with respect to FIG. 4: “Now referring to FIGS. 4 and 5, when the decorative water lamp operates, the transmission device (11) rotates the plate (14) and the line (50) moves side to side in accordance with the crests (151) and troughs (152) of the wavy edge (15) of the plate (14). In FIG. 4, the line (50) is placed in the trough (152) and a dragging force of the line (50) is weak so that the membrane (34) is pushed up by the spring (32).” (Specification, col. 3, lines 28-33). The aspects cited by the Office Action are not described by Chen in the identified section. The applicant directs the Examiner to FIG. 1 of Chen, which is substantially the same as FIG.4, where Chen describes the aspects of the elements cited by the Office Action. Here, Chen teaches “With reference to FIG. 1, a decorative water lamp consists of a base (10) with a transmission device (11), an inner shell (20), a set of membrane fixer (30), an outer shell (40), and a float body (50).”

The base (10) has the transmission device (11) and a projector (12) mounted thereon, and the transmission device (11) is composed of a reductive gear (13) and a plate (14) rotatably mounted on the reductive gear (13) to cover

the projector (12). White light is emitted from the projector (12). The plate (14) is made of transparent material that is divided into several areas in different colors and has a wavy edge (15) with a series of crests (141) and troughs (142)."

(Specification, col. 2, lines 26-37). Additionally, Chen teaches: "The inner shell

5 (20) is a tapered hollow cylinder with a thread (21) formed on an inner top face of the inner shell (20), and multiple screw holes (23) defined in a foot portion of the inner shell (20) to secure the inner shell (20) on the base (10)." (Specification, col. 2, lines 38-42).

What Chen is teaching is not a cap as stated in the Office Action, but instead

10 a base plate 10 for holding a transmission 11 and a lamp 12, and the base plate

10 is secured using screws inserted to multiple screw holes. Conversely, the

applicant teaches a multifunction hydration container accessory system where

the canister walls have threads for receiving threads of a canister cap as recited

in the revised claims 9-11. Specifically, Claim 9 teaches: "The multifunction

15 bicycle hydration container accessory system of claim 1 wherein said accessory

housing has housing walls with female mounting threads for attaching an

accessory cap having male threads for holding said utility items." And the

revised language of Claim 10 teaches: "The multifunction bicycle hydration

container accessory system of claim 9 wherein said accessory housing is a

20 canister storage module of generally cylindrical shape having canister mounting

threads for attaching to said housing mounting threads." And the revised

language of Claim 11 teaches: "The multifunction bicycle hydration container

accessory system of claim 9 wherein said accessory housing further comprises a

canister cap having a canister cap housing for holding mounting threads for attaching to said housing mounting threads and a canister cap front surface for fixedly mounting utility items.” These revised claims more clearly describe the current invention over the cited prior art, where the current invention produces
5 new and unexpected results over the teachings of the cited combined prior art.

**THE REFERENCES OF RAMIREZ AND CHEN AREN'T FROM SAME
FIELD AND NO LOGICAL PATH EXISTS FOR SUCH COMBINATION TO BE**

MADE: The applicant avers the cited prior art of Ramirez and Chen are from different fields of the current invention and no suggestion or inference is given
10 that the combination suggested by the Office Action could be made by the teachings of Ramirez and Chen.

2141.01(a) Analogous and Nonanalogous Art [R-2]

TO RELY ON A REFERENCE UNDER 35 U.S.C. 103, IT MUST
BE ANALOGOUS PRIOR ART

15 The examiner must determine what is "analogous prior art" for the purpose of analyzing the obviousness of the subject matter at issue. "In order to rely on a reference as a basis for rejection of an applicant's invention, the reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the
20 particular problem with which the inventor was concerned." *In re Oetiker*, 977 F.2d 1443, 1446, 24 USPQ2d 1443, 1445 (Fed. Cir. 1992). See also *In re Deminski*, 796 F.2d 436, 230 USPQ 313 (Fed. Cir. 1986); *In re Clay*, 966 F.2d 656, 659, 23 USPQ2d 1058,

1060-61 (Fed. Cir. 1992) ("A reference is reasonably pertinent if,
even though it may be in a different field from that of the inventor's
endeavor, it is one which, because of the matter with which it deals,
logically would have commended itself to an inventor's attention in
5 considering his problem."); * *Wang Laboratories Inc. v. Toshiba*
Corp., 993 F.2d 858, 26 USPQ2d 1767 (Fed. Cir. 1993)>; and *State*
Contracting & Eng'g Corp. v. Condotte America, Inc., 346 F.3d
1057, 1069, 68 USPQ2d 1481, 1490 (Fed. Cir. 2003) (where the
general scope of a reference is outside the pertinent field of
10 endeavor, the reference may be considered analogous art if subject
matter disclosed therein is relevant to the particular problem with
which the inventor is involved).

The applicant avers that there is no logical path to the inventors Ramirez and
Chen. The applicant respectfully avers that A COMBINED MUSICAL AND
15 LIGHTABLE BABY BOTTLE and A DECORATIVE WATER LAMP are distinctly
different inventions that produce distinctly different results.

The applicant has amended the language of Claims 9-11 to more clearly
illustrate this distinction and to put the claim in a condition of allowance over the
teachings of Ramirez and Chen, where the applicant requests further
20 examination and consideration for the allowance of Claims 9-11.

The Office Action states: "Claim 12 is rejected under 35U.S.C. 103(a) as being unpatentable over Ramirez and Chen as applied to Claim 11 above, and further in view of Burrige (US 4,206,842).

5 Ramirez et al. disclose the instant claimed invention except for the compass.

Since Ramirez discloses a housing having the utilities items, such as music and lighting, it is understood that any desired utilities items may be mounted on the housing.

10 Burrige discloses (Fig. 2) a container [10] and a housing [12] having a compass [34] mounted for orienting the device relative to the magnetic field of the earth (col. 1, lines65-68).

15 It would have been obvious to one having skill in the art, at the time the invention was made, to provide the compass mounted to the housing, as taught by Burrige, for the device of Ramirez et al., for the purpose of orienting the device relative to the magnetic field of the earth."

THE MUSICAL AND LIGHTABLE BABY BOTTLE COMBINED WITH A DECORATIVE WATER LAMP AND A PYRAMID CONTAINER DEVICE IS A STRAINED INTERPRETATION AND THAT THE PRIOR ART LACKS ANY SUGGESTION THAT THE REFERENCE SHOULD BE MODIFIED IN A MANNER REQUIRED TO MEET THE CLAIMS: The applicant respectfully
20 traverses this rejection on the grounds that the prior art lacks any suggestion that the reference should be modified in a manner required to meet the claims. The

Applicant respectfully traverses this rejection in light of the currently amended claim language to more particularly cite the novelty of the current invention over the teachings of Ramirez, the applicant respectfully avers the applicant's invention solves a different problem than the combined references of Ramirez,
5 Burridge and Chen, and such different problem is recited in the revised claims.

In the cited references, Ramirez teaches: "The music not only diverts occasionally a temperamental child's attention from the feeding process, but also may help to induce the infant into sleep after feeding." (Specification, col. 1 lines 40-43) and, Chen teaches "With reference to FIG. 1, a decorative water lamp
10 consists of a base (10) with a transmission device (11), an inner shell (20), a set of membrane fixer (30), an outer shell (40), and a float body (50).

The base (10) has the transmission device (11) and a projector (12) mounted thereon, and the transmission device (11) is composed of a reductive gear (13) and a plate (14) rotatably mounted on the reductive gear (13) to cover
15 the projector (12). White light is emitted from the projector (12). The plate (14) is made of transparent material that is divided into several areas in different colors and has a wavy edge (15) with a series of crests (141) and troughs (142)." (Specification, col. 2, lines 26-37), and Burridge teaches "a pyramid container

device 10 comprising an upper first container member 11, a lower second
20 container member 12 and an inner item container member 13." (Specification, col.3, lines 23-26). Additionally, Burridge teaches: "The inner item container 13 in this embodiment is shown as a jar for containing a consumer product such as cosmetics or the like." (Specification, col. 3, lines 56-58). Further, Burridge

teaches: "The device 10 includes aperture means 30 in one of the first and second container members 11 and 12 for receiving the item within the pyramid container device 10. In this embodiment, the aperture means 30 is integrally molded into the top 20 of the second container member 12 for at least partially receiving the inner container 13. The aperture means 30 comprises a first aperture portion 31 and a second aperture portion 32 which are both located along the central axis of the pyramid device. The first aperture portion 31 locates the inner container member 13 at the approximate geometric center of the pyramid formed by the first and second container members 11 and 12. The second aperture portion 32 receives a compass 34" (Specification, col. 3, lines 64-68, and col. 4, lines 1-9). Finally, Burrige teaches: "Once the second container member 12 is located relative to the magnetic field of the earth and the inner container member 13 is in place, the first container portion 11 is inserted into lips 26 forming the pyramid container 10. Accordingly, the item within the inner container 13 will receive any beneficial results due to the pyramid shape." (Specification, col. 4, lines 26-32).

The applicant respectfully avers that combining these references is a strained interpretation that could only be done in hindsight, where a detachable musical and lightable element to a baby bottle for diverting a temperamental child's attention from the feeding process and help to induce the infant into sleep after feeding does not suggest a compass and signal safety mirror as a utility item for a feeding baby. To combine Ramirez with a decorative water lamp having a base attached using multiple screws for holding a transmission is not suggested

in either Ramirez or Chen, where Chen teaches a decorative water lamp. To combine Ramirez and Chen with Burrige who teaches a pyramid container for imparting indeterminate forces on the contents of an internal container when aligned to the earth's magnetic field, using an internal compass hidden from view when the pyramid is assembled is not suggested in Burrige. If these teachings could be combined, they would not produce the new and unexpected results of the current invention because the compass taught by Burrige would be hidden from view. The amended language of Claim 12 makes this distinction more evident when applied to Claim 11 above, and Claim 12 teaches: "The container canister cap of claim 11 wherein said utility item is a viewable compass for use in navigation." The applicant respectfully avers these results are novel and unobvious over the cited prior art combination of Ramirez, Burrige and Chen.

The applicant has amended the language of Claims 11 and 12 to more clearly illustrate this distinction and to put the claim in a condition of allowance over the teachings of Ramirez and Chen, where the applicant requests further examination and consideration for the allowance of Claims 11 and 12.

The Office Action states: Claims 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ramirez and Chen as applied to Claim 11 above, and further in view of Wagon (US 4,071,175).

Ramirez et al. disclose the instant claimed invention except for reflector.

Wagnon discloses (Fig. 5) a bicycle beverage container holder including a housing [12] having a safety road reflector [E] used an indication of the bicycle on the road.

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the safety reflector, as taught by Wagnon, for the device of Ramirez et al. for the purpose of safety on the road if to use the container being attached to the transportation means.”

**THE MUSICAL AND LIGHTABLE BABY BOTTLE COMBINED WITH A
DECORATIVE WATER LAMP AND COMBINED WITH THE ANTI-RATTLE
BICYCLE BEVERAGE CONTAINER HOLDER SOLVES A DIFFERENT**

PROBLEM: The applicant respectfully traverses this rejection on the grounds that Wagnon when combined with the teachings of Ramirez and Chen solves a different problem than the current invention. Wagnon teaches a “A bracket 51 for mounting a reflector E (dotted line in FIG. 5) also may be provided on the front of the holder 10’, the bracket having an opening therein receiving the front-most bolt 34’, and being held onto the plate 14 by the lock washer 48 and nut 49.”

(Specification, col. 4, lines 46-51). The reflector of Wagnon is attached to a beverage container rack that is attached to the handlebar of a bicycle or motorcycle. In FIG. 5 of Wagnon, the reflector is depicted as a permanently displayed reflector device that is fixed in a position for permanent reflective signaling when riding a bicycle or motorcycle. More specifically, the reflector is mounted to the beverage holder affixed to a handlebar in a manner to be constantly displayed for viewing while traveling on the road. This is not the case

for the current invention of the applicant as described in the amended Claims 13-15, where the reflective material is located on the canister cap housing attached to the accessory housing at the bottom of the bicycle hydration container. The orientation of the multifunction bicycle hydration container accessory system

5 while inserted to the invention of Wagnon for operating a bicycle places the reflective material in a downward facing position, which would provide a different result that the teachings of Wagnon by offering no reflective operation while riding the bicycle. It is not the intended use of the current invention to indicate the presence of the bicycle on the road as stated by the Office Action, and has

10 not been disclosed by the applicant. Rather, according to the current invention, the safety signal mirror is for deliberately gaining others attention for emergency “safety signaling” such as distress signaling. The configuration of the safety reflector and road reflector of the applicant’s invention enables hand-held operation for signaling. The amended language of Claim 11 teaches: “The

15 multifunction bicycle hydration container accessory system of claim 9 wherein said accessory housing further comprises a canister cap having a canister cap housing for holding mounting threads for attaching to said housing mounting threads and a canister cap front surface for fixedly mounting utility items.” When reading the amended language of Claim 13: “The container canister cap of claim

20 11 wherein said utility item is a signal reflective mirror.” and the language of Claim 14: “The container canister cap of claim 11 wherein said utility item is a safety road reflector for use when the reflector is hand-held to direct towards a

light source.” and the language of Claim 15: “The container canister cap of claim 11 wherein said utility item is a lighting source.”

The applicant respectfully directs the Examiner to the disclosure of the current application “an accessory housing front 36 for fixedly mounting a compass 38 and safety signal reflective material 40 thereto” (Specification, page 5, lines 9-11). The purpose of the safety signal reflective material is not used as an indication of the bicycle on the road, but instead as a safety signal device that is operated when the hydration container is removed from the mounting cage, for example while in the backcountry terrain to signal search and rescue parties.

WAGNON PROVIDES NO SUGGESTION OR INFERENCE TO A REFLECTOR COMBINED WITH A BEVERAGE CONTAINER AND IS AN UNSUGGESTED MODIFICATION: The applicant respectfully further traverses this rejection on the grounds that the prior art lacks any suggestion that the reference should be modified in a manner required to meet the claims. Wagnon does not teach a road reflector attached to the beverage container, rather teaches a road reflector attached to the beverage container holder, which is logical since the beverage containers depicted by Wagnon is a disposable beverage container, for example Wagnon teaches “a can **A** placed in holder 10” (Specification, col. 3, line 21), and generally speaking, reusable beverage cans are not commonplace and Wagnon does not teach a disposable reflector.

THE INVENTION HAS ATTAINED COMMERCIAL SUCCESS IN A TRIAL MARKET AS EVIDENCED BY INCLUDED ORDER FORM COPIES: The invention has attained commercial success as supported by the included

purchase orders. The inventor resides in a tourist-recreation community with a high number of sporting goods retail outlets per capita. The applicant has used this isolated market to test the commercial viability of the invention by presenting the commercial product to some sporting retail outlets and has received

5 substantial orders of over 350 UNITS in this test market.

THE INVENTION HAS ATTAINED PROFESSIONAL RECOGNITION IN THE LOCAL SUN VALLEY/KETCHUM NEWS PAPER: The applicant received notoriety in the local news paper touting the innovation of the useful biking hydration container combined with a compass.

10 **LACK OF IMPLEMENTATION:** In light of the commercial success and notoriety disclosed above, if the invention were in fact obvious, because of its advantages, one skilled in the art surely would have implemented it by now. That is, the fact that those skilled in the art have not implemented the invention despite its great advantages, indicates that it is not obvious.

15 **REQUEST FOR CONSTRUCTIVE ASSISTANCE:** The undersigned have made a diligent effort to amend the claims of this application so that they define novel structure, which is also submitted to render the claimed structure unobvious because it produces new and unexpected results. The Multifunction Hydration Container Accessory provides a housing having a fixedly attached

20 compass and safety signal mirror for fixedly attaching to bicycle and hiking hydration containers. If for any reason the claims of this application are not believed to be in full condition for allowance, Applicant respectfully requests the constructive assistance and suggestions of the Examiner in drafting one or more

acceptable claims pursuant MPEP Section 707.07 (j) of in making constructive suggestions in order that this application can be placed in allowable condition as soon as possible and without the need for further proceedings.

5 **ALLOWABLE SUBJECT MATTER:**

The Office Action states: "Claims 3, 8, 18-26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10 The following is an examiners statement of reasons for allowance:

Referring to Claim 3 the prior art of record fails to show a hosing having an accessories and fixed to the hydration container with hook and pile interlock.

Referring to Claim 8 the prior art of record fails to show a hydration container having a global positioning system.

15 Claim 19 is objected to as claim depended on claim 18.

Referring to Claim 18 the prior art of record fails to show a hydration container having a molded-canister integrated with the container to create a canister cavity.

20 Referring to Claim 20 the prior art of record fails to show a canister cap having mounting threads on a first end for mounting to the canister housing and on a second end for fixedly holding a utility component.

Claim 21 is objected to as dependent on claim 20.

Referring to Claim 22 the prior art of record fails to show the hydration container accessory which is a compartment storage container having a component cavity and a pivoted door attached to the compartment.

Claims 23, 24 are objected to as claim depended on claim 22.

5 Referring to Claim 25 the prior art of record fails to show the hydration container accessory system having a molded storage compartment molded to the hydration container.

Claim 26 is objected as claim dependent on claim 25."


10 Should the Examiner have any questions or comments, they are encouraged to call the undersigned at (208) 726-9120 to discuss the same so that any outstanding issues can be expeditiously revised.

Respectfully submitted,

James E. Parris

15

Dated: MARCH 25, 2005

By: 
James E. Parris. Bar No. 51,135
Agent for Applicant

20

Commentary B5
Sports B13
Classifieds B19

OR-KEN RETAILIC 726-8060

Valley

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Travel Council issues \$2.4 m in grants

Sun Valley-Ketchum Chamber
gets \$260,000 for marketing

By GREGORY FOLEY
Express Staff Writer

The primary promoter of tourism in the Wood River Valley is significantly richer this week, thanks to a state-levied tax on lodging and campground rentals.

The Sun Valley-Ketchum Chamber & Visitors Bureau on Thursday, July 29, was awarded a \$260,000 marketing grant from the Idaho Travel Council, a private-sector advisory panel convened under the state Department of Commerce.

The allocation was among \$392,000 in grants issued to agencies that promote tourism in central Idaho.

The Hailey Chamber of Commerce received a \$13,000 grant and the Stanley-Sawtooth Chamber of Commerce was awarded \$25,000. The Salmon Valley Chamber of Commerce was issued an additional \$17,000 and the Challis Area Chamber of Commerce received \$5,000.

All told, the Idaho Travel Council issued \$2.4 million in public funds to 30 organizations statewide. Each organization is expected to use the grant dollars to fund promotional programs designed to market cities, towns or regions as a tourism destination.

"The dollars these projects rep-
resent are way beyond an invest-

Never get lost with this b

Valley entrepreneur combines water bottle and c

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Brian Sutton, proprietor of Safety Bottles holds the bottle with a compass.

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286 or 720-5881.

olic Notices

leaving for the Carey
lection District will be
August 5th at 7:30
ay Fire Station located
33 in Carey, Idaho.

**ssified
adline**

**nday &
nesday
p.m.**

**hum Hours
day - Friday
9 - 5**

**Call
6-8060
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may be left
on our
voicemail**

or

Page 1

Roark opens Ketchum law office

The Roark Law Firm of Hailey this week opened a new office in Ketchum with three attorneys specializing in a range of specialties.

In addition to the Hailey office and the new Ketchum office, Roark has an office in Twin Falls. The founder, Keith Roark, is former mayor of Hailey, former Blaine County prosecutor and unsuccessful candidate for Idaho attorney general.

A partner in the firm, Cynthia Woolley, 46, will head up the new office, which is located in the First

Street Building, 180 West First Street, Suite 107.

Woolley, a partner in the firm since 2001, specializes in civil litigation and domestic relations law, including employment litigation. A resident of the Wood River Valley since 1998, she practiced in San Francisco.

The other attorneys in the office are:

Michael Poguc, 35, a onetime resident of Ketchum who graduated magna cum laude from the University of San Francisco, spe-

cializes in legal fields involving intellectual property rights, construction, litigation, general commercial law and domestic relations.

Kirstin Fjeld, 29, a former Blaine County public defender who also interned with 5th District Judge James May, graduated from Willamette University College of Law, Salem, Ore., and joined the Roark firm in 2003. She also will specialize in family law and employment matters as well as general civil litigation.

Navigator's for men who won't ask directions

Continued from Page B1

rides," Sutton, 28, casually remarked.

A co-proprietor of the Cellar Pub in Ketchum, Sutton built the prototype at home and added the signature label designed by valley resident Matt Gorby. Then he secretly tested the model for several months.

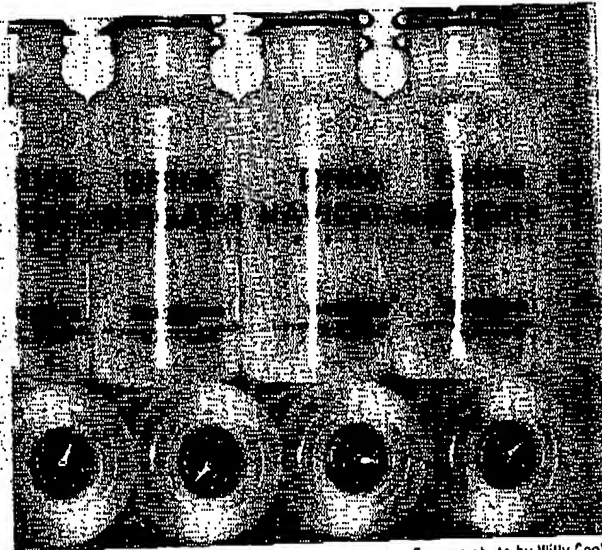
"No one knew it, but I've had it on my bike for the last four months," he said.

The bottle passed Sutton's rigorous riding tests. He produced 100 models by hand, which are now being tested by valley hydrators.

The bottles are sold at The Elephants Perch, Ski Tech and Sturtevant's for \$13.95. Sutton hopes his stock will soon be sold at all area outdoors retailers. The Drink Navigator can be customized with individual company logos.

More information on the product can be found by contacting Safety Bottles at P.O. Box 2201, Ketchum, ID 83340.

The Drink Navigator features an added compass in the base to guide outdoor adventures.



Express photo by Willy Cook

Hip-hop a clothing line features cartoons

Continued from Page B1

time street oriented," he explained. "They appeal to all different people in hip-hop."

An array of fans is already sporting the hip-hop merchandise.

Kids like the goofy graphics, as

do well-known

stars of the

industry.

According to

from the products each tell the story of the individual cartoon characters. The tags also contain positive life messages, such as work hard, keep a good attitude and don't judge a book by its cover.

The life lessons incorporated into the designs have been well received.

"Dan was one of our first cus-

**"The designs are silly, but
at the same time street**



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ORDER FORM

DATE:

NAME:

ADDRESS:

3/4/05
 ELBOWS RD, 14
 KETCHUM, ID

DRINK

NAVIGATOR™

B X P I R E

SAFETY BOTTLES LLC

SAFETY BOTTLES LLC • PO BOX 2201 • KETCHUM, ID 83340
 PAT. PEN. COPYRIGHT 2004

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QUANTITY	SIZE/COLOR	LOGO	PRICE
100	(S) W/LE B/G	(STD)	
100	(S) W/LE B/G	(CUST)	
100	(S) W/LE B/G	(CUST)	
100	(S) W/LE B/G	(CUST)	
1000	(S) W/LE B/G	(CUST)	
1000	(S) W/LE B/G	(CUST)	
1000	(S) W/LE B/G	(CUST)	

TOTAL	SIZE	COLOR	CAP
150	LARGE / FL	1 ADD'D CAP	BLACK

TOTAL: \$ 808⁵⁰

me

ORDER FORM

DATE:

3/28/05

NAME:

STAFF'S (KITCHEN)

ADDRESS:

1614 W 75
KETCHUM, ID 83340

DRINK

NAVIGATORTM

EXPLORE

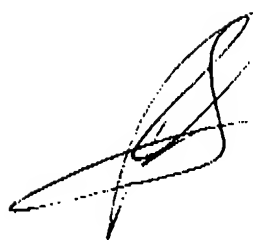
SAFETY BOTTLES LLCSAFETY BOTTLES LLC • PO BOX 2201 • KETCHUM, ID 83340
PAT. PEN. COPYRIGHT 2004

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QUANTITY	SIZE/COLOR	LOGO	PRICE
50	500A W/EC BOT	(STD)	
100	500A W/EC BOT	(CUST)	
200	500A W/EC BOT	(CUST)	
500	500A W/EC BOT	(CUST)	
1000	500A W/EC BOT	(CUST)	
2500	500A W/EC BOT	(CUST)	
5000	500A W/EC BOT	(CUST)	
TOTAL	SIZE	COLOR	CAP
50	500A		

WIDE 24 oz

TOTAL: \$ 260.00



© June 15 2005
Delivery

SAFETY BOTTLES, LLC**PO BOX 2201****KETCHUM, ID 83340****(208)721-1307**

CHART: COST BASE COMPARISON BETWEEN AN ORDINARY BOTTLE VERSUS THE DRINK NAVIGATOR

Ordinary Bottle

Cost/Bottle	\$0.50
Sales Price	\$3.99
Margin	87%
Profit/Bottle	\$3.49

Drink Navigator

Cost/Bottle	\$5.14
Sales Price	\$9.99
Margin	49%
Profit/Bottle	\$4.85

PROFIT WITH THE DRINK NAVIGATOR**\$1.36****ORDER FORM****Sun Summit**

BOTTLE TYPE	QUANTITY	TOTAL
Standard Wide (24 oz)	150	\$58.50

DELIVERY DATE: June 14th, 2005SIGNED: Mark a DeffenCLEAR
RED TOP

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